



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Lane Roofing Company, Inc.

File: B-232293

Date: September 1, 1988

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### DIGEST

Protest that offeror did not have sufficient time to submit its proposal is dismissed as untimely when not filed prior to the closing date for the receipt of proposals. Protest is late even if there was not enough time to submit a pre-closing date protest since it was not filed within 10 working days after the closing date passed, that is, after the protester knew its proposal was not going to be timely.

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### DECISION

Lane Roofing Company, Inc., protests the rejection of its best and final offer as late under request for proposals (RFP) No. DAAE07-88-R-Q033, issued by the Department of the Army for the repair and replacement of roofs at Selfridge Air National Guard Base. Lane asserts that it could not submit the offer when it was due because the firm was not given enough preparation time.

We dismiss the protest.

The Army issued the RFP on May 2, 1988, and subsequently amended it four times. Amendment No. 3, which was undated, requested offerors in the competitive range to provide additional information, and notified offerors that best and final offers might be requested later and, if they were, the offerors should be prepared to submit them by July 20. Offerors were orally notified of amendment No. 4 on July 22. This amendment changed the quantities of various items and required that best and final offers be submitted by July 25. Lane did not forward its offer to the Army until July 26, however, and the proposal therefore was rejected as late--the offer would have been low if it had been timely received. Lane complains that it was denied enough time to submit a timely best and final offer.

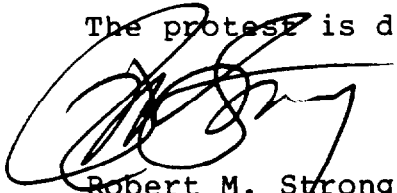
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Under our Bid Protest Regulations, a protest based on an alleged solicitation impropriety that is incorporated into a solicitation after it is initially issued must be filed no later than the next established closing date for the receipt of proposals. 4 C.F.R. § 21.2(a)(1) (1988).

Here, Lane filed its protest with our Office on August 15. Early in the procurement, however, offerors were cautioned to be ready to submit revised offers, if requested, by July 20, and on July 22 Lane knew that its proposal was due by July 25. Lane thus had to submit a protest concerning this apparent impropriety, the timeframe within which it had to respond, before July 25. See Joseph H. Carter, B-227094.2, Nov. 9, 1987, 87-2 CPD ¶ 463.

Further, Lane's protest is untimely even if we were to conclude that Lane did not have sufficient time to file a pre-closing date protest. The other timeliness rule in our Regulations, which is for protests that do not involve apparent solicitation improprieties, requires filing within 10 working days after the protester knows or should know the protest basis. 4 C.F.R. § 21.2(a)(2). Obviously, on July 25 Lane knew its best and final offer, which it was not going to send until the next day, would be late because, in Lane's view, the firm had not had sufficient time to prepare it. At the latest, then, Lane should have protested within 10 working days after July 25, that is, by August 8.

The protest is dismissed.



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